

REMARKS

I. Introduction

Claims **48**, **52-65**, and **68-75** are currently pending in the present application. Claims **48**, **52**, and **73-75** are independent. The status of the claims is as follows:

(A) claims **48**, **68**, and **70-72** are indicated as being **ALLOWABLE**;

(B) all pending claims (claims **48**, **52-65**, and **68-75**) stand *provisionally* rejected under non-statutory double patenting grounds over various pending claims of Applicants' co-pending Application Serial Nos. 11/424,155 (hereinafter "Walker C2"), 11/424,162 (hereinafter "Walker C3"), 11/424,166 (hereinafter "Walker C4"), 11/531,735 (hereinafter "Walker C5"), 11/531,741 (hereinafter "Walker C6"), 11/531,744 (hereinafter "Walker C7"), 11/531,749 (hereinafter "Walker C8"), and 11/531,754 (hereinafter "Walker C9"); and

(C) claims **52-65**, **69**, and **73-75**¹ stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 4,922,522 (hereinafter "Scanlon").

Upon entry of this amendment, which is respectfully requested, (i) claims **48**, **52**, **68**, and **73-74** will be amended for purposes not related to the prior art currently of record (*e.g.*, for purposes related to recent developments in case law (claims **48**, **52**, and **73-74**), for purposes of advancing prosecution (claims **52** and **73-74**), and for purposes of conforming with amendments to other claims (claim **68**)), (ii) claim **75** will be cancelled without prejudice or disclaimer, and (iii) new claims **76-77** will be added. As these amendments are not provided for any reason related to the prior art currently of record, Applicants hereby expressly reserve the right to pursue claims directed to the original/previous language in one or more continuing applications. No new matter is believed to be introduced by these amendments.

Applicants hereby respectfully request reexamination and reconsideration of the pending claims in light of the amendments and remarks provided herein and in accordance with 37 C.F.R. §1.112.

¹ While the Examiner lists claims **68** and **70-72** as rejected under this ground for rejection, the Examiner does not address any rejection of claims **68** or **70-72** in the section dealing with this ground for rejection and then later describes claims **68** and **70-72** as being allowable; thus, Applicants do not list claims **68** and **70-72** as rejected under this ground.

II. The Examiner's Rejections

1. Provisional Non-Statutory Double Patenting

All pending claims (claims **48**, **52-65**, and **68-75**) stand *provisionally* rejected under non-statutory double patenting grounds over various pending claims of Walker C2, Walker C3, Walker C4, Walker C5, Walker C6, Walker C7, Walker C8, and Walker C9. As this ground of rejection remains unripe with respect to each of the listed sibling applications (e.g., Walker C2, Walker C3, Walker C4, Walker C5, Walker C6, Walker C7, Walker C8, and Walker C9), and as this case seems likely to be on a course for allowance, Applicants assume that any non-statutory double patenting grounds for rejection pertaining to the sibling applications may be dealt with, if appropriate, in the prosecution of those sibling applications (e.g., since this case is likely to reach allowance before any of those cases do).

At least for these reasons, Applicants respectfully request that this *provisional* non-statutory double patenting ground for rejection of claims **48**, **52-65**, and **68-75** be **withdrawn**.

2. 35 U.S.C. §103(a) – Scanlon

Claims **52-65** and **69-75** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Scanlon. Claims **52** and **73-74** are amended herein to include the newest limitation from claim **68**, which has been indicated as ALLOWABLE over the cited reference (claim **68** is also amended herein to *remove* such limitation to make claim **68** consistent with the amendment to the claim from which it depends – claim **52**).

At least for this reason, Applicants respectfully request that this §103(a) ground for rejection of claims **48**, **52-65**, and **68-75** be **withdrawn**.

III. New Claims

New claims **76-77** are statutory class variants of ALLOWABLE claim **48** and are therefore believed allowable at least for reasons similar to those rendering claim **48** ALLOWABLE.

IV. Conclusion

At least for the foregoing reasons, it is submitted that all pending claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remain any questions regarding the present application or the cited reference, the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number 203-461-7017 or via e-mail at cfincham@walkerdigital.com, at the Examiner's convenience.

V. Fees and Petition for Extension of Time to Respond

While no fees are believed to be due at this time, please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

Respectfully submitted,

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Date

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